

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHANEAL TAYLOR,

Plaintiff,

Case No. 03-73595 NO
Judge Paul Borman

vs.

CITY OF DETROIT, R. SCOLA,
J. WALKER, G. EDWARDS, TAWYNA
KING, BARBARA SIMON, ERNEST
WILSON, TERRELL SHAW, JAMES
FISHER, EDWARD VIVERETTE,
KENNETH MAY, EUNICE HUNTER,
BILLY JACKSON, DWIGHT PEARSON,
individually and in their
official capacities, jointly
and severally,

Defendants.

_____/

The deposition of NATHANAEL TAYLOR, taken
before Hope M. Markowitz, CSR-3900, Notary Public in
and for the County of Oakland, acting in the County of
Wayne, Michigan, at 1650 First National Building,
Detroit, Michigan, on Thursday, July 22, 2004, or
about 12:55 p.m.

APPEARANCES:

McCALL & TRAINOR
BY: CHRISTOPHER J. TRAINOR, ESQ.
6557 Highland Road, Suite 105
Waterford, Michigan 48327

On behalf of the Plaintiff.

CITY OF DETROIT LAW DEPARTMENT
BY: PAULA L. COLE, ESQ.
1650 First National Building
Detroit, Michigan 48226

On behalf of the Defendants.

(Appearances continued on Page 2)

1 Q Was it two houses down, three houses down?

2 A The next block near the other corner.

3 Q Can you describe for me the front door of this house?

4 I mean, was it blocked up or was it --

5 A I can't recall.

6 Q Was Mr. Joyce's house burned down subsequently after
7 this murder?

8 A Yes, it was.

9 Q Do you know when it was burned down?

10 A No, I do not.

11 Q When did you find out it had been burned down?

12 A While I was locked up.

13 Q How was it that on March -- let me make sure I have
14 the date right. Was that March 28th? Excuse me a
15 second, sir. It was March -- let's say March 29th.

16 MR. TRAINOR: That's right.

17 MS. COLE: That's the date. Okay. Great.

18 Q (By Ms. Cole): March 29th, 2000 it's my understanding
19 that you went down to the home of where we're
20 referring to as Mr. Ahmod Joyce to purchase some
21 marijuana for Mr. Lee; is that correct?

22 A Yes.

23 Q Approximately what time was that?

24 A About 2:30 -- between two and four.

25 Q It was a \$5 bag of weed?

1 get the weed. I said some guy down the street where
2 you pointed at sold me a bag of weed from the
3 basketball rim. He said okay. I gave him the bag.

4 Q Then what happened?

5 A He said it looks like it's short. I said I'm not
6 going to go in no weed; if you about to smoke it with
7 me, why would I go in it; it's not even worth me going
8 in and taking nothing out of it, \$5.

9 Q It had to be a pretty small bag at that point, right?

10 A Yeah, it was.

11 Q Then what happened?

12 A Lowis said don't worry about it; I'll go back down
13 there myself.

14 Q Did you give Lowis that bag that you had?

15 A Lowis had it in his pocket because it wasn't my money.

16 Q Did you offer to go back and say look --

17 A No.

18 Q You cut me off again.

19 Did you offer to go back to the man's house
20 and say hey, I'll straighten it out?

21 A No.

22 Q Did you ever say anything about the big man, we have
23 to wait until the big man gets back?

24 A No.

25 Q Did Lowis then go down to the house?

1 Q You stayed at the stairs or at the side?

2 A It was -- it's a tree stump here. It was one here.

3 The house is where I was at right here like right by
4 this -- on the curb -- on the sidewalk.

5 Q How come you didn't go up on the porch with Louis?

6 A I don't know why. So many things happen that I was
7 scared. I know things happen at the spur of the
8 moment, quick.

9 Q Because you know Louis has got some brain damage,
10 right?

11 A Yes, he do.

12 Q Mr. Joyce -- I'm referring to him as Mr. Joyce, the
13 man that was murdered, who had the spidery things in
14 his hair, spidery hairdo I should say -- did he call
15 you bitches and hoes or anything like that?

16 A He was just cussing in general. I mean, a lot of
17 people cuss, kids cuss.

18 Q Sure.

19 A So cussing in general. I didn't feel no more --
20 that's how people talk.

21 Q Did he ever say you bitch, you hoe, you punked your
22 boy out or anything, street stuff like that?

23 A No. None of that occurred; just cussing in general.

24 Q Was it at you or was that Louis?

25 A It was at me.

1 into the house.

2 Q I see.

3 A He said my partner wants to talk to you. I'm trying
4 to -- I'm like what's going on, what's wrong. He said
5 my partner wants to talk to you, witness for
6 questioning. He gets down to the sidewalk. The guy
7 walked from the side of the house.

8 Q The partner?

9 A Yes, his black partner. He come down. We goes to the
10 street. Miss -- what's her name?

11 Q Simon?

12 A Miss Simon pulls up and says who's he. The white guy
13 say he just started work. The black guy say he's
14 about to get off; he's 30 minutes late. They asked
15 her again -- she asked them who was I. He said

16 witness for questioning. She said arrest him and they
17 put cuffs on me and put me in the car.

18 Q You heard her say just arrest him?

19 A I was standing in her face while she's in the car --
20 in the red knocker (sic) car.

21 Q Did they put you in handcuffs?

22 A Yes, they did.

23 Q Did they tell you why you were arrested?

24 A He told me he couldn't tell nothing. The only thing
25 he was directed to do was arrest me.

1 Q You're sure it was Barbara that said that?

2 A She was the one that was in the police car that told
3 them to arrest me, yes. Positive.

4 Q Were you in a scout car?

5 A I was in a police car -- blue and white police car.

6 Q Did you ever say why am I being arrested?

7 A I asked him from Rochelle and Gratiot until 1300
8 Beaubien what's going on, can I find out some
9 information, can I call my dad to get down here to
10 find out what's going on because I don't know what's
11 going on, I'm lost, I'm just being cuffed for what.

12 Q Did anyone -- no one said to you while you were in the
13 scout car there's been a murder on the street?

14 A Nothing.

15 Q We want to talk to you? Nothing?

16 A Nothing. They didn't even go that way. They went
17 around the block, took me down to 1300 Beaubien.

18 Q And what happened once you get to 1300 Beaubien?

19 A Once I get to 1300 Beaubien I was put in the
20 interrogation room. I saw a lawyer sitting there and
21 two people in the desk. They were sitting at the desk
22 like this and I was trying to talk loud. I was trying
23 to ask the guy to tell the lawyer to come to see me.
24 Ernest Williams (sic) -- another cop said you can't
25 talk to anyone right now.

1 Q But it wasn't Sergeant Wilson?

2 A No. It wasn't him.

3 Q What did he look like, if you can recall?

4 A Cocky, short guy, real shorter than me but more cocky,
5 baldheaded guy, dark skinned.

6 MR. TRAINOR: By cocky you're throwing your
7 arms as in a stocky man?

8 THE WITNESS: Yeah. He was real stocky,
9 baldhead, darker than me. He had a black shirt on.

10 Q (By Ms. Cole): He said you can't talk to anybody?

11 A He said no, go in there.

12 Q Do you know what floor you were on, if you know?

13 A Uh-um. I can't recall.

14 Q Were you still handcuffed?

15 A No, I wasn't.

16 Q Did they leave you in the room by yourself or what
17 happened?

18 A Yes, they did.

19 Q Were you in a cell?

20 A I was in a box room.

21 Q In a box room all by yourself?

22 A Yes.

23 Q Then what happened or how long were you in this box
24 room?

25 A About 30 or 45 minutes to an hour.

1 change. That's when we got into an argument. The
2 we -- is that referring to the friend that you gave
3 the change to?

4 A Well, I didn't write this statement so I can't refer
5 who he was talking about.

6 Q But you never had an argument with that guy?

7 A No, I didn't. If that's the case, me and you would be
8 arguing and talking.

9 Q So you never had an argument with the man who was
10 murdered?

11 A No.

12 Q Then there's part of the answer --

13 MR. TRAINOR: At what point in time?

14 MS. COLE: At any point.

15 THE WITNESS: No.

16 Q (By Ms. Cole): You never had an argument with this
17 man --

18 A No, I didn't.

19 Q -- who was murdered?

20 Then it continues in the answer I told him
21 that I wasn't going to get into an argument with him
22 about this little change because I told him I give his
23 friend his change. While I was leaving he was arguing
24 with his friend about his change. That was the last
25 time I saw him.

1 A Yes.

2 When we got in there, he said go and sit
3 down, I'll be back. I sat down. I'll say about 15,
4 20 minutes later he came back. He opened the door.
5 Now, are you ready to tell me how you shot that guy,
6 are you ready to tell me -- explain it to me or no,
7 you're not ready. He closed the door. I'll say he
8 was gone about half an hour this time. He came back
9 again. Do you still want to be an asshole, are you
10 ready to tell me about what you done to that guy, you
11 know you did it because I can do what you done to
12 him. By that time that's when he took my hand and
13 cuffed me to the table, this hand here.

14 Q Your left hand?

15 A Yes, cuffed me.

16 Q To the leg of the table or --

17 A They have a -- like a bolt in the table where you get
18 cuffed -- cuffed and then a cuff go around the bolt.

19 MR. TRAINOR: Is that a hook?

20 THE WITNESS: Yeah, a hook.

21 I was cuffed. He left back out again.

22 Q (By Ms. Cole): Are you saying a bolt or a hook?

23 A A hook.

24 Q Like a metal --

25 A Yeah.

1 He left back out, came back in. When he
2 came back in this time, that's when he took his gun
3 out, laid it on the table. He said so are you ready
4 to tell me.

5 Q Let me ask you this: As we're sitting here did he put
6 it in front of you?

7 A He put his gun right here in front of me.

8 Q You had one hand available?

9 A That is the only hand I had.

10 Q You had your right hand?

11 A Yes.

12 Q What did the gun look like?

13 A It was chrome.

14 Q Nickel plated or --

15 A It wasn't black. It was shiny. It was a silver gun.

16 Q What kind?

17 A I think it was a .45 to be exact.

18 Q Did he have it so it was pointing at you?

19 A I can't recall but it was on the table.

20 Q You felt threatened by it?

21 A Yes, I did.

22 Q But he put it so that you could grab it if you wanted
23 to, you could reach it?

24 A Yeah, I could have. I could have.

25 Q Did he ever say to you anything about why he put it

1 not going to play with you, we're going to kick your
2 door in.

3 Q But you said I have nothing to hide?

4 A No. My keys are right here, you can take my keys out
5 of my pocket.

6 Q Did you give it to her, your keys?

7 A Yes, I did.

8 Q So then did they tell you they were going to go to
9 your house and --

10 A They said they were on their way to my house now.
11 That's how I was able to get the other pair of gym
12 shoes.

13 Q What do you mean the other pair of gym shoes?

14 A After he said that I had blood -- I tried to wash the
15 blood off my gym shoes.

16 Q Sergeant Wilson said that?

17 A Yes.

18 Q When did he say that?

19 A When he opened the door in the box, he said oh, you
20 think you're slick, kick them shoes off because you
21 tried to wash the blood off of them, huh. I stayed in
22 the cell maybe about an hour or so with no shoes on
23 and just socks until they searched my house again.
24 That was the third time.

25 Q They searched your house three times?

1 Q (By Ms. Cole): I was asking you about a statement but
2 I wanted to ask you a couple other things here. Did
3 Sergeant Wilson strike you at any time when you were
4 in the box?

5 A Yes, he did.

6 Q Can you tell me about that, please?

7 A Him threatening me to the point -- he kept saying tell
8 him how I shot the guy, tell him how I planned it with
9 my cousin or he's going to fuck me up and all this.
10 He stood up. I guess I said something wrong. I don't
11 know if I said I don't know about it; I just don't
12 know; I can't tell you something I don't know. Stop
13 fucking jiving with me and he swung on me.

14 Q He swung on you; he hit you?

15 A Yeah.

16 Q Where did he hit you?

17 A He tried to hit me on my face but when he swung again,
18 he hit me in my stomach. I only had one hand. I was
19 standing up. The chair fell over that I was sitting
20 in. He pushed his chair back.

21 Q Did you say why are you trying to hit me, man, or what
22 happened next?

23 A I said what the fuck is wrong; I don't know what's
24 happening; I don't know what's going on; I can't tell
25 you something I don't know.

1 Q Leslie would?

2 A Yes. She was there.

3 Q I see.

4 To your knowledge no one talked to your
5 sister-in-law?

6 A No.

7 Q Did you ever tell Sergeant Wilson that you wanted a
8 lawyer?

9 A Yeah. I told him numerous times. A lawyer came in
10 there to see me. Him and the lawyer laughed at each
11 other and the lawyer gave me a card and walked right
12 out.

13 Q The lawyer just gave you a card and walked out?

14 A Yes. The lawyer was sitting down with another client
15 and I was saying I want a lawyer, I want to talk to a

16 lawyer. The lawyer came in. I said a few words. I
17 said I need to make a phone call; I need to talk to
18 somebody. He said here's my card, call me and get in
19 touch with me. He opened the door, the lawyer came
20 out, him and lawyer laughed at each other, he left.

21 Q That's not the lawyer that you had at the trial?

22 A No.

23 Q Did Sergeant Wilson ever say he was going to beat your
24 ass after he struck you that one time?

25 A No, besides steady threatening saying that's he's

1 talking through? It was a screen door?

2 A Yes.

3 Q Where was the steel door?

4 A I believe it was open or something. I don't -- I
5 can't recall.

6 MS. COLE: Okay. That's all I have. Thank
7 you.

8 MR. TRAINOR: Questions of the dep are done?

9 MS. COLE: Yes.

10 MR. TRAINOR: Okay. I got a couple
11 questions.

12 EXAMINATION

13 BY MR. TRAINOR:

14 Q Mr. Taylor --

15 A Yes.

16 Q -- is it your testimony that when you were brought
17 down -- when Barbara Simon reported you and you were
18 brought down, you were told that you were a witness?

19 A Question.

20 Q Witness for questioning?

21 A Yes.

22 Q While you were being driven downtown you were asking
23 why you were being arrested?

24 A Yes.

25 Q When you got downtown, did you ask for a telephone

1 call?

2 A Yes, I did. When I got downtown, walking through the
3 doorway, I asked another police officer.

4 Q Did you continue to ask any officer that you could see
5 for a phone call?

6 A Yes.

7 Q Were you ever given the opportunity for a phone call?

8 A No.

9 Q Were you told why you weren't given a phone call?

10 A No.

11 Q Did you ever ask what you were being charged with?

12 A Yes, I did.

13 Q Up until the time --

14 A I asked why was I here.

15 Q Were you ever given a reason?

16 A No.

17 Q Up until you saw Mr. Wilson?

18 A You being questioned. That's it.

19 MR. TRAINOR: That's all I have.

20 RE-EXAMINATION

21 BY MS. COLE:

22 Q Just in regards -- I just want to be sure. In regards
23 to Exhibit 2 did Sergeant Wilson ever read
24 constitutional rights to you or say you have a right
25 to a lawyer? Did he go over that with you?

1 A After those statements was made I think so -- after
2 all the statements was made.

3 Q Mr. Trainor here --

4 A This was the second statement.

5 Q Counsel handed this to me. Do you recall him going
6 over or having you sign the --

7 A Yeah. He even went over this and that, but he didn't
8 go over none of the statements. This and that.

9 Q Let me make sure I understand. He went over the
10 constitutional rights form with you before he took the
11 statement or after he took the statement?

12 A After he took the statements.

13 Q After he took the statement from you he went over all
14 these things with you and had you initial them?

15 A Yes.

16 Q He had you sign?

17 A Yes.

18 MR. TRAINOR: Excuse me. She's asking about
19 the constitutional rights form.

20 THE WITNESS: Yes. He had me sign it.

21 Q (By Ms. Cole): You said both statements? Did he go
22 over both statements with you?

23 A I said he went over this and exhibit --

24 Q I'm sorry. Exhibit 3?

25 A Yes. Those are the things that he went over with me.